

## **REMARKS**

With this Response, no claims are amended, added, or canceled. Therefore, Claims 1-36 are pending. Claims 1, 12, 22 and 30 are independent.

## **REJECTIONS UNDER 35 U.S.C. § 103**

### **Claims 1, 3, 4, 8, 12, 14, 15, 18, 22, 26, 30 and 33**

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,175,552 to Parry et al. (hereinafter "Parry") in view of U.S. Patent No. 7,221,904 to Gavrilovich (hereinafter "Gavrilovich") and U.S. Patent No. 6,717,953 to Heuer (hereinafter "Heuer"). Applicants submit that these claims are not rendered obvious by the cited references for at least the following reasons.

Of these claims, Claims 1, 12, 22, and 30 are independent claims, and each recites features directed to gateway network elements that terminate synchronous data transmission rings with gateway network elements that have **different protocols** including providing a communication path for signals between the synchronous data transmission rings and network locations external to the synchronous data transmission rings, and a management element that **natively communicates with the gateway network elements in their respective (different) protocols**.

As Applicants have understood, Parry discusses a telecommunications network configured for disaster recovery, where each element in a network ring includes a multiplexer that controls the timing of communication in the ring. Applicants note that the Office continues to rely on Parry as disclosing a switching module having gateway network elements. As a first matter, the Office Action, at last paragraph of page 2 to first paragraph of page 3, states that Parry shows: "a synchronous ring that incorporates a number of multiplexers (item 21) serving respective ports, and ..., a dormant master multiplexer (item 21b) is configured as a dormant master multiplexer is coupled to a disaster recovery interface point via a fibre link 26 (FIG. 2)," which the Office asserts is "substantively the same" as Applicants' claimed "first gateway network element," and Applicants' claimed "second gateway network element." Applicants again respectfully disagree.

Applicants' independent claims recite first and second gateway network elements that terminate synchronous data transmission rings operating according to *different protocols*. Even assuming only for the sake of argument that Parry's multiplexers show gateway network elements as asserted in the Office Action, Parry fails to disclose or suggest that its multiplexers can terminate rings operating according to different protocols in the same switching module. There is no evidence in the reference, and no technical reasoning in the Office Action to support the assertion that Parry can support rings of different protocols in a switching module.

Furthermore, the Office Action acknowledges defects in Parry, which the Office Action asserts are cured by the combination of Parry with Gavrilovich and now, Heuer (replacing the previously relied-upon 'Dunsmore'). Applicants respectfully disagree for at least the following reasons.

Even assuming for the sake of argument that Gavrilovich discloses what is asserted in the Office Action, while reserving the right to traverse the Office Action's characterization of the reference, Gavrilovich in combination with Heuer still fails to cure the deficiencies of Parry. Heuer is cited as disclosing "separate networks operating according to different protocols, and a system that directs traffic flow, and natively communicating with network elements in their respective protocols" (see Office Action at last paragraph of page 5 -first paragraph of page 6). Applicants respectfully submit that Heuer fails to disclose synchronous transmission rings that *operate according to different protocols*. Rather, in Heuer's "method for converting a SONET signal to an SDH signal" (title), "the multiplex units of the *SONET signals are converted to* corresponding multiplex units of the SDH signal, which are multiplexed into multiplex units of the additional hierarchy level" - and - "monitoring functions are applied to both signals in accordance with the SDH multiplex hierarchy"

Heuer's method does not teach or even suggest a "management element that natively communicates with the first and second gateway network elements and the central management system in their respective *different protocols*" – but rather expressly requires that the SONET signals are converted". As noted by the Examiner in the previous June 20, 2008 Office Action (page 22), Heuer teaches "that the SONET signals of the SONET ring must be converted since SONET signals are not usable by the SDH management system".

As explained at least in paragraph [0027] of Applicant's specification as filed, "integrated management 255 provides an integrated management bus that natively supports IP and/or OSI channels to/from the ADMs in system 300", and "integrated management 255 supports multiple protocols, and can natively support the equipment in the rings terminated on ADMs 311 and 323, even though they are supplied by different vendors....[t]hus, if the specific protocol stacks employed by the rings terminated on ADMs 311 and 323 are known, integrated management 255 can be adapted to provide support for both."

Again, the principles of operation of each of the Parry and Heuer references would need to be significantly changed to work together, in contrast to what is stated in MPEP § 2143.01 (VI).

As mentioned above, each of Applicants' independent claims recites features directed to gateway network elements that terminate synchronous data transmission rings with gateway network elements that have **different protocols** including providing a communication path for signals between the synchronous data transmission rings and network locations external to the synchronous data transmission rings, and a management element that **natively communicates with the gateway network elements in their respective protocols**. Whether alone or in combination, the references fail to disclose or suggest at least one of these features from the independent claims. Thus, the cited references fail to support an obviousness rejection under MPEP § 2143 of these claims. The references therefore necessarily fail to render obvious the remaining claims, which depend directly or indirectly from the independent claims discussed above.

**Claims 2, 5-7, 9-11, 13, 16-17, 19-21, 23-25, 27-29, 31-32 and 34-36**

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the primary references, Parry, Gavrilovich and Heuer (together with additional references, Douglas, Chen, Roy, Houston, Doidge, Nakatsugawa and Hunneyball). More particularly, the rejections are set forth as follows:

Claims 2, 13, 23 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, and Heuer in view of U.S. Patent No. 5,097,469 to Douglas (hereinafter "Douglas").

Claims 5, 6, 16, 17, 24 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, and Heuer in view of U.S. Patent No. 7,130,276 to Chen et al. (hereinafter "Chen").

Claims 7 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, Heuer, and Chen in view of U.S. Patent No. 6,631,130 to Roy et al. (hereinafter "Roy").

Claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich and Heuer in view of U.S. Patent No. 6,778, 541 to Houston et al. (hereinafter "Houston").

Claims 10 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, Heuer in view of U.S. Patent No. 6,064,674 to Doidge et al. (hereinafter "Doidge").

Claims 11, 21, 29 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, and Heuer in view of U.S. Patent No. 6,747,982 to Nakatsugawa (hereinafter "Nakatsugawa").

Claims 27, 28, 34 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich and Heuer in view of U.S. Patent Publication No. 2004/0136389 to Hunneyball (hereinafter "Hunneyball").

However, Applicants must respectfully submit that each rejection is based upon a defective combination with the primary references, shown above to fail to disclose or suggest at least one feature of the invention as recited in Applicants' independent claims. None of these references is cited as curing the deficiencies of Parry, Gavrilovich, and Heuer with respect to the independent claims, as set forth above. As Applicants have understood the references, indeed, none of the references cures the deficiencies of the primary references. Whether alone or in combination, the cited references fail to disclose or suggest at least one feature of Applicants' independent claims, as set forth above, and so fail to render obvious the invention as recited in those independent claims. Because these dependent claims depend from the independent claims discussed above, these dependent claims are not rendered obvious by the cited references for at least the same reasons as the independent claims.

**CONCLUSION**

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully requests that the rejections be withdrawn. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 50-1047.

Respectfully submitted,

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